

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In The Matter Of:

BLUE WATER TRUCKING, INC.,

Respondent.

**Docket No. FMCSA-2010-0069¹
(Midwestern Service Center)**

ORDER TERMINATING PROCEEDING AND CLOSING DOCKET

On May 20, 2010, the Midwestern Field Administrator for the Federal Motor Carrier Safety Administration (Claimant) submitted a Notice of Settlement and Motion to Close Docket. Claimant and Respondent entered into a Settlement Agreement that resolves the matters at issue here.

The Notice of Claim served on December 16, 2009 proposed a civil penalty of \$20,280 based upon 26 violations of 49 CFR 395.8(e), false reports of records of duty status. Under the Settlement Agreement, which was executed on May 18, 2010, and adopted as a Final Order,² Respondent agreed to pay \$12,168 in eight consecutive monthly payments. The remaining \$8,112 of the original civil penalty amount was suspended, provided Respondent: (1) pays the non-suspended portion of the civil penalty in accordance with the terms of the Agreement; and (2) successfully complies with 49 CFR part 395 at the conclusion of any investigation conducted within two years from the date of execution of the Agreement.³ Paragraph 6 of the Agreement

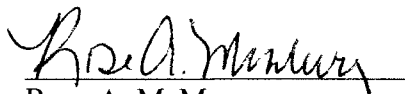
¹ The prior case number was MI-2009-0755-US0868.

² Settlement Agreement, paragraph 8.

³ Under paragraph 3A of the Agreement, successful compliance with part 395 means no violations of acute regulations and/or no violations of critical regulations at a violation rate equaling or exceeding 10 percent.

provides that failure to comply with the terms of the Agreement may result in the reinstatement of any penalties held in abeyance and may also result in the loss of any reduction in civil penalties asserted in the NOC. I conclude that the settlement is in the public interest and it is accepted.⁴

THEREFORE, *It Is Hereby Ordered*, the Settlement Agreement is the Final Order in this matter, the proceeding is dismissed, and the docket is closed.



Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration

4.29.16
Date

⁴ See 49 CFR 386.22(c).

CERTIFICATE OF SERVICE

This is to certify that on this 1 day of July, 2010, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Kenneth Rideout, Managing Partner
Fleet Management Strategies
P.O. Box 618
Howell, MI 48844

One Copy
U.S. Mail

Peter Hines, Esq.
Trial Attorney
Office of Chief Counsel (MC-CCE)
Federal Motor Carrier Safety Administration
19900 Governors Drive, Suite 210
Olympia Fields, IL 60461

One Copy
U.S. Mail

Darin G. Jones, Field Administrator
Midwestern Service Center
Federal Motor Carrier Safety Administration
19900 Governors Drive, Suite 210
Olympia Fields, IL 60461

One Copy
U.S. Mail

Docket Operations
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room W12-140
Washington, DC 20590

Original
Personal Delivery